



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** Discount Machinery & Equipment, Inc.  
**File:** B-227884  
**Date:** July 2, 1987

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### DIGEST

Protest contending an awardee produces only a product that will not meet the solicitation's specifications concerns a matter of the responsibility which the General Accounting Office does not review except under limited circumstances that are not present here.

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### DECISION

Discount Machinery & Equipment, Inc. protests the award of a contract under invitation for bids (IFB) No. DLA0027-87-B-0015, issued by the Defense Logistics Agency for power saws. Discount Machinery contends that the awardee offers only a machine that does not meet the specifications requiring a foot operated workpiece feed mechanism.

We dismiss the protest.


Among the prerequisites for a contract award under a sealed bid solicitation is a responsive bid from a responsible bidder. To be responsive, a bid must reflect an unequivocal offer to provide the exact product or service called for in the solicitation so that acceptance of the bid would bind the contractor to perform the contract in accordance with the material terms and conditions of the IFB. Spectrum Communications, B-220805, Jan. 15, 1986, 86-1 CPD ¶ 49. Responsibility is concerned with the bidder's apparent capability and capacity to perform the contract requirements. A. Metz, Inc., B-213518, Apr. 6, 1984, 84-1 CPD ¶ 386.

Discount Machinery does not allege that the awardee's bid took any exception to the IFB's requirements. Therefore, as we interpret Discount Machinery's protest, it is essentially questioning the awardee's ability to provide a power saw in compliance with the specifications. As the award has already been made, the contracting officer obviously has affirmatively determined the awardee's responsibility.

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The General Accounting Office does not review protests of affirmative determinations of responsibility, unless either possible fraud or bad faith on the part of the procuring officials is shown or the solicitation contains definitive responsibility criteria which allegedly have been misapplied. 4 C.F.R. § 21.3(f)(5) (1986). There is nothing in Discount Machinery's protest to suggest that either exception is applicable here.

The protest is dismissed.

  
Ronald Berger  
Deputy Associate  
General Counsel